

Message Text

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ORIGIN EB-08

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FM SECSTATE WASHDC
TO AMEMBASSY SINGAPORE

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E.O. 11652: N/A

TAGS: EAIR, SN

SUBJECT: CIVAIR: DRAFTS OF US-SINGAPORE AIR TRANSPORT
AGREEMENT

REF: (A) SINGAPORE 0557 (B) STATE 77 285712

1. SUGGESTED CHANGES AND ADDITIONS CONTAINED IN PARA'S 2,
3, AND 4 REF A ARE ACCEPTABLE TO USG.

2. HOWEVER, BECAUSE OF AMBIGUITIES INHERENT IN FORMAT OF
MEMORANDUM OF CONSULTATION (MOC), USG STRONGLY PREFERS
ANNEX FORMAT PROPOSED IN REF B. THIS FORMAT (REF B) IS
MEANT TO COVER PRECISELY UNDERSTANDING ON ROUTING,
FREQUENCIES AND TRAFFIC RIGHTS REACHED IN SEPTEMBER,
1977, AND IN NO WAY IS MEANT TO GIVE US ADVANTAGE. ONE
ADVANTAGE OF US FORMAT, FOR EXAMPLE, IS INCLUSION OF
SPECIFIC LANGUAGE ON WHAT IS "FIFTH FREEDOM TRAFFIC". USE
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OF REF A FORMAT WILL LIKELY RESULT IN THE VERY MISUNDER-
STANDINGS WHICH GOS WISHES TO AVOID. USG FEARS THAT THIS
LACK OF CLARITY COULD RESULT IN DELAYS IN CAB HEARINGS
PROCESS BECAUSE PARTIES MAY BE TEMPTED TO QUESTION MEANING
OF AGREEMENT.

3. EMBASSY SHOULD SEEK GOS ACCEPTANCE OF REF B FORMAT AND

LANGUAGE AND, AT SAME TIME, DISCUSS WITH GOS WHAT, IF ANY, SPECIFIC PROBLEMS IT HAS WITH US PROPOSED FORMAT AND IN WHAT WAY GOS BELIEVES US LANGUAGE DOES NOT SEEM TO FOLLOW INTENT OF MOC.

4. USG ALSO SUGGESTS MINOR CHANGES TO ITS ORIGINAL ANNEX PROPOSAL (REF B) TO MAKE IT MORE BALANCED AND CLEAR: THESE FOLLOW (PARAS 5 THROUGH 8):

5. OPENING SENTENCE OF SECTION A: "AN AIRLINE OR AIRLINES DESIGNATED BY THE GOVERNMENT OF THE UNITED STATES SHALL BE ENTITLED TO OPERATE AIR SERVICES ON THE SPECIFIED ROUTE, IN EITHER OR BOTH DIRECTIONS AT THE DISCRETION OF EACH AIR-LINE, AND TO MAKE SCHEDULED LANDINGS IN SINGAPORE;"

6. OPENING SENTENCE OF B: "AN AIRLINE OR AIRLINES DESIGNATED BY THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE SHALL BE ENTITLED TO OPERATE AIR SERVICES ON THE SPECIFIED ROUTE, IN EITHER OR BOTH DIRECTIONS AT THE DISCRETION OF EACH AIRLINE, AND TO MAKE SCHEDULED LANDINGS IN THE UNITED STATES AT THE POINTS SPECIFIED IN THIS PARAGRAPH;"

7. (SECTION C) 1. POINTS ON ANY OF THE SPECIFIED ROUTES MAY, AT THE OPTION OF EACH DESIGNATED AIRLINE ON ANY OR ALL FLIGHTS, BE SERVED IN ANY ORDER OR OMITTED ON ANY OR ALL FLIGHTS PROVIDED THESE FLIGHTS ORIGINATE OR TERMINATE LIMITED OFFICIAL USE

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IN THE TERRITORY OF THE CONTRACTING PARTY DESIGNATING THE AIRLINE.

(SECTION C) 2. A DESIGNATED AIRLINE OF ONE CONTRACTING PARTY MAY MAKE A CHANGE OF GAUGE IN THE TERRITORY OF THE OTHER CONTRACTING PARTY OR AT POINTS ON ITS ROUTE IN OTHER COUNTRIES, PROVIDED THAT: (A) OPERATIONS BEYOND THE POINT OF CHANGE OF GAUGE SHALL BE PERFORMED BY AN AIRCRAFT HAVING CAPACITY LESS, FOR OUTBOUND SERVICES, OR MORE FOR INBOUND SERVICES, THAN THAT OF THE ARRIVING AIRCRAFT; (B) AIRCRAFT FOR SUCH OPERATIONS SHALL BE SCHEDULED IN COINCIDENCE WITH THE INBOUND OR OUTBOUND AIRCRAFT, AS THE CASE MAY BE, AND SHALL HAVE THE SAME FLIGHT NUMBER; (C) IN THE CASE OF COM-BINATION AIR SERVICES ONLY, THE ONWARD FLIGHT, INBOUND OR OUTBOUND AS THE CASE MAY BE, SHALL BE SCHEDULED TO DEPART WITHIN THREE HOURS OF THE SCHEDULED ARRIVAL OF THE INCOMING AIRCRAFT, UNLESS AIRPORT CURFEWS, AIRPORT SLOTS, OR OTHER

OPERATIONAL CONSTRAINTS, AT THE POINT WHERE CHANGE OF GAUGE OCCURS OR AT THE NEXT POINT OR POINTS OF DESTINATION OF THE FLIGHT, PREVENT SUCH SCHEDULING; AND (D) IF A FLIGHT IS DELAYED BY UNFORESEEN OPERATIONAL OR MECHANICAL PROBLEMS, THE ONWARD FLIGHT MAY OPERATE WITHOUT

REGARD TO THE CONDITIONS IN PARAGRAPHS (B) AND (C) OF SECTION C.2.

8. IN FOOTNOTE 3, CHANGE AS FOLLOWS: "THE TOTAL NUMBER OF FLIGHTS CARRYING TRAFFIC BETWEEN HONG KONG AND ANY POINT IN THE UNITED STATES SHALL BE LIMITED ... (THE REMAINDER CONTINUES UNCHANGED).

9. EMBASSY WILL NOTICE THAT CHANGES TO SECTIONS A AND B ARE MINOR. HOWEVER, SECTION C.1.IS AMPLIFICATION OF SECTION C SUGGESTED BY GOS AND PART C.2. IS ADAPTION OF ITEM 6, SECTION 5, ANNEX 1, OF THE US-UK AIR SERVICES AGREEMENT AND IS INCLUDED TO AVOID FUTURE PROBLEMS OF THE TYPE THAT AROSE OVER THE FTL SCHEDULE AND DESCRIBES IN LIMITED OFFICIAL USE

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DETAIL THE FLEXIBILITY THE US AND SINGAPORE AIRLINES SHOULD HAVE IN OPERATING OVER SPECIFIC ROUTES. VANCE

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